



# STORM WATER UPDATE

## MY SAMPLING NUMBERS ARE BAD. WHAT DO I DO?

**Has your site experienced poorer than expected storm water sampling numbers?** Are you also tired of having to comply with numerous regulations surrounding storm water? While these questions might not seem related, they both can be answered in the same way: by demonstrating that your site is taking every precaution to ensure the best storm water sample numbers as possible. By doing what it takes to receive better storm water samples, your site will in turn be less regulated. Likewise, if your facility sample numbers routinely do poorly, you will have to wade through more regulations.

### TAKE ACTION

If your sites samples are exceeding compliance standards, that does not have to be the last word on the matter. Regulators want your site to succeed. Demonstrating that you are taking steps towards compliance goes a long way. Be sure that you are doing the following:

1. If there have been qualifying storm events in the last few months and your site has not sampled, this signals a negligent approach to storm water. Be sure that your team is monitoring the weather and that they sample during qualifying events (when it is safe to do so, of course).
2. Are your BMPs helping your sample numbers? If not, are you able to show that you are purchasing new and better BMPs to improve numbers? Expensive BMPs can end up saving you from various fees and the time and manpower it takes to monitor your site when there are sampling exceedances.
3. The Industrial General Permit was amended in 2020, which means that if a SWPPP practitioner has not reviewed your facility, then it is time to request an audit.
4. Good housekeeping through street sweeping and keeping your facility clean from the hazardous waste issued by industrial maintenance is a must.

Be sure to demonstrate each of these actions in your facility's paperwork to prevent issues with regulators and third-party litigators.

### LEVEL 1 OR 2?

In previous iterations of this newsletter, we have discussed Numeric Action Levels (NALs). If your facility experiences an annual NAL exceedance, where an exceedance occurs when the average of all the sample results taken within a reporting year exceeds an annual NAL value for your facility, then your facility is marked as Level 1 Exceedance Response Action (ERA). Your facility will qualify as a Level 2 when there is an instantaneous maximum NAL exceedance, which occurs when two or more sampling results for Total Suspended Solids (TSS), Oil and Grease, or pH within a reporting year exceed the instantaneous maximum NAL value (or are outside the NAL pH range).

However, when your facility qualifies as a Level 1 or Level 2 for NAL exceedance, thereby requiring you to sample for more pollutants, it doesn't have to stay that way (continued below).

Your facility can return to "baseline." Every facility starts at baseline at the beginning of the Industrial General Permit (IGP) coverage for each pollutant in their monitoring program. To return to baseline, in addition to submitting the Level 1 ERA report and implementing the additional BMPs, as a discharger, your facility must have four consecutive Qualified Sampling Events with results that collectively average below the annual NAL exceedance. Once you demonstrate that, your facility may qualify for baseline status once again, which includes less exposure to Clean Water Act violations, sampling and monitoring for fewer types of pollutants, and no Qualified Industrial Storm Water Practitioner (QISP) oversight requirements.

### DROUGHT NEWS

On January 4th, the State Water Board adopted multiple emergency water use regulations to boost drought resilience. This includes prohibiting the following:

Washing vehicles without an automatic shutoff nozzle, washing impervious areas, street cleaning with water sprayers, using water for construction site prep, irrigating turf within 48 hours of one fourth of an inch (1/4") of rainfall, and more.

The prohibitions apply to specific uses and apply to all water users, including individuals, businesses and public agencies, and can be enforced through warning letters, water audits or fines. The prohibitions will remain in place for one year unless extended, modified or removed.

There are various exceptions to the emergency regulations. We advise you and any managers on your site to review the FAQ page issued by the California Water Board for more details: [https://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/regs/docs/20220106-faq-emergency-regulations-january-2022.pdf](https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/docs/20220106-faq-emergency-regulations-january-2022.pdf)



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